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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,097	01/29/2004	Mario Mainetti		4602

7590 12/02/2005

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EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/767,097

Applicant(s)

MAINETTI, MARIO

Examiner

Cassandra Davis

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 9-13, 16-19, 23 and 26-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11, 14, 15, 20, 24, 25 and 29-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 9-13, 16-19, 23, 27 and 28 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on July 27, 2005.
2. Applicant's election with traverse of Species 1 in the reply filed on July 27, 2005 is acknowledged. The traversal is on the ground(s) that there are only five groups present. This is not found persuasive because the drawing and specification clearly identifies 11 species.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 6, 20, 21, 22, 24, 29, 30-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Kolton et al., U. S. Patent 6,932,251.

3. Kolton teaches hanger and size marker, wherein the marker 12 has a pair of spaced apart walls 40 and 42 defining an opening therebetween; a cover 38 connecting the walls at a top end thereof, and first bridge 54 and second bridge 44 connected to and extending between the walls in spaced relation to the cover.

4. With respect to claim 2, Kolton teaches the walls are parallel to one another and the bridge and cover are perpendicular to the walls. See figure 4.

5. With respect to claim 6, each wall and cover of the marker taught by Kolton is adapted to receive size indicia.

6. With respect to claims 20, 22, 24, 29-33, the hanger taught by Kolton has a support 18 with web assembly comprising floor 20 and wall 22 and 24 defining a space between the walls. The web has retaining members or tabs 26 and 28 within the space. Kolton also teaches an indicator block or marker as described above.

7. With respect to claim 21, the walls 40 and 42 of the marker are adapted to cover the tabs when the marker is mounted to the support of the hanger.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3-8, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolton et al. in view of Abdi, U. S. Patent 5,642,840.

10. Abdi teaches a hanger and marker 18, wherein the marker 18 has a pair of wall 52 and 54 and a cover member 56 connecting the walls together. Each wall has a flange 64 and 62, respectively, on an end opposite the cover. It would have been obvious to one having ordinary skill in the art the time this invention was made to construct the walls of the marker taught by Kolton with flanges as taught by Abdi to provide a means to enhance the aesthetic appearance of the marker by hiding the edges of

the wall and to provide a means to further engage the retaining structures 30 and 32 of the retaining members 26 and 28.

11. With respect to claim 6, Abdi teaches the outer surface of the walls and the cover has indicia printed thereon. It would have been obvious to one having ordinary skill in the art the time this invention was made to construct the outer surface of the marker taught by Kolton with indicia as taught by Abdi to provide a means to visually identify the size of garment on the hanger.

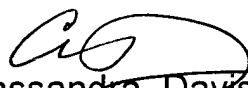
With respect to claim 7 and 8, since the applicant does not disclose that the specific font of the indicia and the specific dimension of the marker solves any stated problem or is for any particular purpose, it appears that constructing the marker with any suitable indicia or size would perform equally well in providing a means to clearly see the indicia printed on the marker.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cassandra Davis
Primary Examiner
Art Unit 3611

CD
November 29, 2005